100-

|  | AMENDMENT & ME UNDER 37 CF       | Docket No. LS-006CV |                          |                 |                                 |  |
|--|----------------------------------|---------------------|--------------------------|-----------------|---------------------------------|--|
| In Re Application Of: Jude S. Sauer  |                                  |                     |                          |                 |                                 |  |
| Application No.  | Filing Date                      | Examiner            | Customer No.             | Group Art Unit  | Confirmation No.                |  |
| 10/772,185   | 02/04/2004                       | Victor X. Nguyen    | 024,902                  | 3734            | 4686                            |  |
| Invention: INSTRUMENT FOR GUIDING THE SURGICAL CUTTING OF TISSUE AND METHOD OF USE   |                                  |                     |                          |                 |                                 |  |
| COMMISSIONER FOR PATENTS:  |                                  |                     |                          |                 |                                 |  |
| This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of |                                  |                     |                          |                 |                                 |  |
| The requested extension is as follows (check time period desired):  ☑ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months              |                                  |                     |                          |                 |                                 |  |
|  |                                  |                     |                          |                 |                                 |  |
| from: 05/13/2009 until: 06/15/2009 (as 6/13/09 is a Saturda  Date  Date  |                                  |                     |                          | iay)            |                                 |  |
| Applicant claims small entity status. See 37 CFR 1.27.  The fee for the amendment and extension of time has been calculated as shown below:          |                                  |                     |                          |                 |                                 |  |
| CLAIMS AS AMENDED  |                                  |                     |                          |                 |                                 |  |
|  | CLAIMS REMAINING AFTER AMENDMENT |                     | UMBER EXTRA AIMS PRESENT | RATE            | ADDITIONAL<br>FEE               |  |
| TOTAL CLAIMS   | 26 -                             | 22 =                | 4 x                      | ·               | \$104.00                        |  |
| INDEP. CLAIMS  | 4 -                              | 3 =                 | 1 x                      | \$110.00        | \$110.00                        |  |
| FEE FOR AMENDMENT \$214.00   |                                  |                     |                          |                 |                                 |  |
|  |                                  |                     | FOR EXTENSIO             |                 | \$65.00                         |  |
|  | TOTA                             | L FEE FOR AMENDMEN  | AND EXTENSION            | A REBREM BOOKED | \$279.00<br>59 1077 <u>2185</u> |  |
| 03 FC:2251   |                                  |                     |                          | 51              | 65.00 OP                        |  |
|  |                                  |                     |                          |                 |                                 |  |

## COMBINED AMENDMENT & PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)

Docket No. LS-006CV

| The         | fee for the amendment and extension of time is to be paid as follows:  |  |  |  |  |  |
|-------------|--|--|--|--|--|--|
| $\boxtimes$ | A check in the amount of \$279.00 for the amendment and extension of time is enclosed.   |  |  |  |  |  |
|             | Please charge Deposit Account No. in the amount of   |  |  |  |  |  |
| ×           | The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1101            |  |  |  |  |  |
|             | <ul><li>✓ Any additional filing fees required under 37 C.F.R. 1.16.</li><li>✓ Any patent application processing fees under 37 CFR 1.17.</li></ul>                                |  |  |  |  |  |
| X           | If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-1101     |  |  |  |  |  |
|             | Payment by credit card. Form PTO-2038 is attached.   |  |  |  |  |  |
|             | WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. |  |  |  |  |  |
| <b>.</b>    |  |  |  |  |  |  |

Kenneth J. LuKacher Attorney for Applicant Registration No. 38,539 **South Winton Court** 

3136 Winton Road South, Suite 301

Rochester, New York 14623 Telephone: (585) 424-2670 Facsimile: (585) 424-6196

KJL/tsm CC:

Dated: June 12, 2009

I hereby certify that this correspondence deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

06/ 12/2009

Signature of Person Mailing Correspondence

Tammy S. Moynihan

Typed or Printed Name of Person Mailing Correspondence